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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,248

05/31/2006

Tatsuya Shogaki

2006-0756A

1793

513

7590

05/22/2008

WENDEROTH, LIND & PONACK, L.L.P.

2033 K STREET N. W.

SUITE 800

WASHINGTON, DC 20006-1021

EXAMINER

PRITCHETT, JOSHUA L

ART UNIT

PAPER NUMBER

2872

MAIL DATE

DELIVERY MODE

05/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/581,248	<b>Applicant(s)</b> SHOGAKI ET AL.	
	<b>Examiner</b> JOSHUA L. PRITCHETT	<b>Art Unit</b> 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/06</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

This action is in response to Preliminary Amendment filed May 31, 2006. Claims 4-7, 10 and 11 were amended and claims 12-27 were added as requested by the applicant.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 11-15, 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakasendou (JP 2002-123966). A computer translation is used for textual citations. A copy of the translation accompanies this action.

Regarding claims 1-3, Nakasendou discloses at least one optically anisotropic (para. 0008) crystal plate and at least one substrate (21A) are stuck together in a state in which a principal face of the optically anisotropic crystal plate and a principal face of the substrate are perpendicular to the direction of the transmission of ray (Fig. 5) the optically anisotropic crystal plate or the substrate is used as an end face on a ray incident side and another optically anisotropic crystal plate or another substrate (21B) that is thinner than the optically anisotropic crystal plate or the substrate that is the end face on the ray incident is stuck onto the optically

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anisotropic crystal plate or the substrate (Fig. 2C). Nakasendou further teaches the light can pass through the filter in either direction (Fig. 5; seen arrows on each side of element (4)).

Regarding claims 4, 12 and 13, Nakasendou discloses the substrate is glass (para. 0005).

Regarding claims 5, 14 and 15, Nakasendou discloses the substrate is used for both end principal faces of the optical filter and a portion of the substrate is given an optical coating (Figs. 2a-2d).

Regarding claims 11, 26 and 27, Nakasendou discloses the claimed structural limitations and therefore is capable of performing all the claimed functional limitations (MPEP 2114).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 10, 16, 17, 24 and 25 rejected under 35 U.S.C. 103(a) as being unpatentable over Nakasendou (JP 2002-123966) in view of Ito (US2003/0218709).

Nakasendou teaches the invention as claimed but lacks reference to substrates with the same thickness and plates with different thicknesses. Ito teaches the substrates having the same thickness (Fig. 1) and the crystal plates having different thicknesses (para. 0398-0399). It would

have been obvious to one of ordinary skill in the art at the time the invention was made to have the Nakasendou invention include the thicknesses of Ito for the purpose of controlling the polarization transmission of the filter.

Claims 7-9 and 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakasendou (JP 2002-123966) in view of Morikawa (US 2005/0040340).

Regarding claims 7, 8 and 18-21, Nakasendou teaches the invention as claimed with substrate thickness of 5 mm (para. 0007) but lacks reference to a UV adhesive. Morikawa teaches the use of a UV adhesive with a thickness no more than 1/20 of the thickness of the plate and the substrate (para. 0141). Morikawa teaches the thickness of the adhesive is 2.5 microns. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the Nakasendou invention include the adhesive of Morikawa for the purpose of securely sticking the substrate and plate together.

Regarding claims 9, 22 and 23, Nakasendou teaches an amorphously bonded coating applied to the incident or exit side (para. 0007).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA L. PRITCHETT whose telephone number is (571)272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on 571-272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joshua L Pritchett/  
Primary Examiner  
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